

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT HOGAN,

Plaintiff,

v.

CODY ANDERSON, *et al.*,

Defendants.

Case No. 3:24-cv-00466-MMD-CLB

ORDER

**I. SUMMARY**

Plaintiff Robert Hogan brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations he claims he suffered while incarcerated at Northern Nevada Correctional Center. (ECF No. 1-1.) On February 19, 2025, the Court ordered Hogan to update his address by March 21, 2025. (ECF No. 5.) That deadline expired without an updated address from Hogan, and his mail from the Court is being returned as undeliverable. (See ECF No. 6.)

**II. DISCUSSION**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s

1 interest in expeditious resolution of litigation; (2) the Court's need to manage its docket;  
2 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
3 cases on their merits; and (5) the availability of less drastic alternatives. *See In re*  
4 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting  
5 *Malone*, 833 F.2d at 130).

6 The first two factors, the public's interest in expeditiously resolving this litigation  
7 and the Court's interest in managing its docket, weigh in favor of dismissal. The third  
8 factor, risk of prejudice to defendants, also weighs in favor of dismissal, because a  
9 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading  
10 ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522,  
11 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of cases on  
12 their merits—is greatly outweighed by the factors favoring dismissal.

13 The fifth factor requires the Court to consider whether less drastic alternatives can  
14 be used to correct the party's failure that brought about the Court's need to consider  
15 dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining  
16 that considering less drastic alternatives *before* the party has disobeyed a court order  
17 does not satisfy this factor); *accord Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th  
18 Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that  
19 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court's  
20 order as satisfying this element[,]” *i.e.*, like the “initial granting of leave to amend coupled  
21 with the warning of dismissal for failure to comply[,]” have been “eroded” by *Yourish*).  
22 Courts “need not exhaust every sanction short of dismissal before finally dismissing a  
23 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779  
24 F.2d 1421, 1424 (9th Cir. 1986).

25 Because this action cannot realistically proceed without the ability for the Court  
26 and the defendants to send Hogan case-related documents, filings, and orders, the only  
27 alternative is to enter a second order setting another deadline. But without an updated  
28 address, the likelihood that the second order would even reach Hogan is low, so issuing

1 a second order will only delay the inevitable and further squander the Court's finite  
2 resources. Setting another deadline is not a meaningful alternative given these  
3 circumstances. So the fifth factor favors dismissal. Having thoroughly considered these  
4 dismissal factors, the Court thus finds that they weigh in favor of dismissal.

5 **III. CONCLUSION**

6 It is therefore ordered that this action is dismissed without prejudice based on  
7 Hogan's failure to file an updated address in compliance with this Court's February 19,  
8 2025, order.

9 The Clerk of Court is directed to enter judgment accordingly and close this case.  
10 No other documents may be filed in this now-closed case. If Hogan wishes to pursue his  
11 claims, he must file a complaint in a new case and provide the Court with his current  
12 address.

13 It is further ordered that Hogan's application to proceed *in forma pauperis* for  
14 inmates (ECF No. 1) is denied as moot.

15 DATED THIS 1<sup>st</sup> Day of April 2025.

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19 MIRANDA M. DU  
20 UNITED STATES DISTRICT JUDGE  
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